

REMARKS/ARGUMENTS

The office action of August 4, 2009 has been reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 2, 11, 13, 14, 19-22, 27-33, 43, 44 and 46 remain in this application. Claims 1, 3-10, 12, 15-18, 23-26, 34, 35-42, 45 and 47-51 were previously canceled. Claims 27 and 46 have been amended. No new matter has been added.

Rejections under 35 U.S.C. § 103

Claims 27 and 46 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent 6,370,262 to Kawabata in view of U.S. patent no. 5,789,762 to Sfarti et al. ("Sfarti"). Claims 27, 2, 13, 14, 19-22, 32-33, 43-44 and 46 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kawabata in view of "A Fast Linear Shape From Shading" by Tsai et al. ("Tsai"). Claims 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Kawabata and Tsai and further in view of U.S. patent no. 5,793,900 to Nourbakhsh et al. ("Nourbakhsh"). Claims 28-31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Kawabata and Tsai and further in view of U.S. patent no. 6,029,173 to Meek et al. ("Meek"). Applicant respectfully traverses these rejections.

Amended independent claims 27 and 46 recite that allocating depth tag includes allocating a depth for each object, the depth representing the relative depth between the objects. Kawabata lacks a teaching or suggestion of, for each object, allocating depth *representing the relative depth between the objects* as called for in claims 27 and 46.

Kawabata does not assign or calculate depth information for objects. Rather, Kawabata groups pixels into arbitrary blocks. For example, Figs. 2A to 2E diagrammatically show that an original picture of 30x20 resolution is grouped in the units of 5x5. See col. 6, ll. 19-22. This group is not dependent on the content of the image or the objects represented in the image, it is purely based on whether pixels are physically adjacent to each other. Figure 2B of Kawabata clearly shows that each block is rectangular and encompasses pixels neighboring each other horizontally and vertically. It should be further noted that the purpose of this pixel grouping is not to identify or outline objects, but to reduce the number of calculations required to calculate distance by correlation so that there is only one calculation for each block of pixels, rather than

one calculation per pixel. According to Kawabata at col. 5, lines 3-7, “[t]his permits us to obtain distance data sufficient to extract a pattern in a plane resolution of 100x100 without performing distance calculations of 100x100 but by performing distance calculations of 10x10”. The depth for an object relates to physical measurements, that is a particular physical distance from the viewer, such as 2m. As such, Kawabata does not disclose, teach or in any way suggest allocating a depth for each object, the depth representing the relative depth between the objects as recited in amended claims 27 and 46.

Neither Sfarti nor Tsai remedies the defects of Kawabata with respect to claims 27 and 46. Accordingly, neither the combination of Kawabata and Sfarti nor Kawabata and Tsai even assuming proper would have resulted in amended claims 27 and 46. For at least this reasons, amended claims 27 and 46 are patentably distinguishable from the applied combinations. Claims 2, 13, 14, 19-22, 32-33, and 43-44 which depend from one or both of independent claims 27 and 46 are patentably distinguishable from the combination of Kawabata and Tsai for the same reasons as their respective base claim and further in view of the additional advantageous features recited therein.

The remaining claims 11 and 28-31 depend from one or both of independent claims 27 and 46. None of the other applied art used to reject the claims under 35 USC § 103 in combination with Kawabata and Tsai cures the above noted deficiencies of this combination. Thus, the combination of one or more of the applied art with Kawabata and Tsai, even if proper, would not have resulted in any of claims 11 and 28-31. For at least these reasons, the pending claims of the instant application are in condition for allowance.

CONCLUSION

All rejections having been addressed, applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same.

If any additional fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

Respectfully submitted,

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